2011 DRAFTING REQUEST

Received By: rkite

Senate Substitute Amendment (SSA-SB156)

Received: 03/06/2012

wanted: As time permits					Companion to LRB:			
For: Neal Kedzie (608) 266-2635					By/Representing: Dan Johnson			
May Contact: Subject: Environment - wate					Drafter: rkite			
Subject.	. EHVIFO	nment - water	quanty		Addl. Drafters:			
					Extra Copies:			
Submit	via email: YES	}						
Request	er's email:	Sen.Kedzie	e@legis.wis	sconsin.gov				
Carbon	copy (CC:) to:							
Pre Top	oic:							
No spec	ific pre topic gi	iven						
Topic:								
Establish	h driller's licens	se and various o	other change	es				
Instruc	tions:							
See attac	ched							
Draftin	g History:				10.00			
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	rkite 03/06/2012	wjackson 03/06/2012						
/1			jfrantze 03/06/20	12	lparisi 03/06/2012	lparisi 03/06/2012		
FE Sent	For:)	8-2012	see at	<end></end>				

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB156)

Received: 03/06/2012 Wanted: As time permits For: Neal Kedzie (608) 266-2635					Received By: rkite			
					Companion to LRB: By/Representing: Dan Johnson			
Subject	: Envir	onment - water q	uality					
					Extra Copies:			
Submit	via email: YE	S						
Reques	ter's email:	Sen.Kedzie	@legis.wis	sconsin.gov				
Carbon	copy (CC:) to	:						
Pre Top	pic:				7007 WITH PROPERTY AND SEC. SEC. SEC. SEC. SEC. SEC. SEC. SEC.			
No spec	cific pre topic	given						
Topic:	3 - WHITE STATE				***************************************			
Establis	sh driller's lice	nse and various of	her change	es				
Instruc	ctions:							
See atta	ched							
Draftin	ng History:		<u> </u>				<u>. </u>	
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	rkite	/1 Wij 3/6	A	3/6				

FE Sent For:

<**END>**

Kite, Robin

From:

Johnson, Dan

Sent:

Tuesday, March 06, 2012 3:56 PM

To:

Kite, Robin

Subject:

RE: SB 156 amendment request

Yes, that's fine. Thanks!

Dan

From: Kite, Robin

Sent: Tuesday, March 06, 2012 3:55 PM

To: Johnson, Dan

Subject: RE: SB 156 amendment request

Dan:

There are 2 very minor technical changes that should be made in that sub. Is it o.k. with you if I fix them in your version of the sub.?

Robin

From: Johnson, Dan

Sent: Tuesday, March 06, 2012 3:20 PM

To: Kite, Robin

Subject: SB 156 amendment request

Hi Robin,

Senator Kedzie would like to request a Senate Substitute Amendment to Senate Bill 156, identical to LRB s0299/2, which is now ASA 2 to AB 201.

Thank you very much.

Dan Johnson

Chief of Staff

State Senator Neal Kedzie

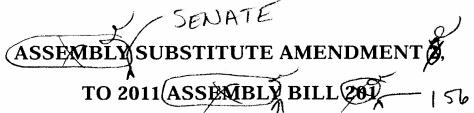
11th Senate District

608.266.2635



Wed. 3/7 State of Misconsin 2011 - 2012 LEGISLATURE





SENATE

March 2, 2012 – Øffered by Representative A. Orf.

Regen

AN ACT to renumber 280.15 (2m) (f) 1. and 2.; to renumber and amend 280.01 (2m), 280.13 (6), 280.15 (2m) (b), 280.15 (2m) (f) (intro.) (except 280.15 (2m) (f) (title)) and 280.15 (3g) (b); to amend 59.70 (1), 59.70 (6) (title), 59.70 (6) (b), 280.01 (8), 280.13 (1) (intro.), 280.13 (1) (a), 280.13 (1) (e), 280.13 (2) (intro.), 280.13 (2) (d), 280.15 (title), 280.15 (1) (a) (intro.), 280.15 (1) (a) 1., 280.15 (1) (a) 2., 280.15 (1) (a) 3., 280.15 (1) (am), 280.15 (1) (b), 280.15 (1) (c), 280.15 (1) (d) 1., 280.15 (1) (d) 3., 280.15 (2m) (title), 280.15 (2m) (a), 280.15 (2m) (c) 1., 280.15 (2m) (f) (title), 280.15 (2m) (g) 1., 280.15 (2m) (g) 2., 280.15 (3r) (a), 280.15 (4), 280.30 (title), 280.30 (2) (a), 280.30 (2) (b), 280.30 (3) (a), 280.98 (2), 443.14 (12m) and 470.025 (9); to repeal and recreate chapter 280 (title) and 280.30 (2) (title); and to create 280.01 (2b), 280.01 (2c), 280.13 (1) (cm), 280.13 (6) (b), 280.15 (2m) (am), 280.15 (2m) (f) 2m. and 280.30 (2m) of the statutes;

relating to: regulation of persons engaged in drilling wells and heat exchange drillholes and granting rule—making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 59.70 (1) of the statutes is amended to read:

59.70 **(1)** Building and sanitary codes, make necessary rules and regulations in relation thereto and provide for enforcement of the codes, rules and regulations by forfeiture or otherwise. The codes, rules and regulations do not apply within municipalities which have enacted ordinances or codes concerning the same subject matter. "Sanitary code" does not include a private sewage system ordinance enacted under sub. (5). "Building and sanitary codes" does not include well code or heat exchange drillhole ordinances enacted under sub. (6).

Section 2. 59.70 (6) (title) of the statutes is amended to read:

59.70 (6) (title) Optional well code and heat exchange drillhole ordinances.

Section 3. 59.70 (6) (b) of the statutes is amended to read:

59.70 **(6)** (b) *Permits.* If authorized by the department under s. 280.21 (1), a county may enact and enforce a well construction, heat exchange drillhole construction, or pump installation ordinance or both. Provisions of the ordinance shall be in strict conformity with ch. 280 and with rules of the department under ch. 280. The ordinance may require that a permit be obtained before construction, installation, reconstruction or rehabilitation of a private well or installation or substantial modification of a pump on a private well, other than replacement of a pump with a substantially similar pump. The county may establish a schedule of fees for issuance of the permits and for related inspections. The department, under s.

1	280.21 (4), may revoke the authority of a county to enforce its ordinance if the
2	department finds that the ordinance or enforcement of the ordinance does not
3	conform to ch. 280 and rules of the department under ch. 280.
4	Section 4. Chapter 280 (title) of the statutes is repealed and recreated to read:
5	CHAPTER 280
6	WELL DRILLING, HEAT EXCHANGE DRILLING,
7	AND PUMP INSTALLING
8	Section 5. 280.01 (2b) of the statutes is created to read:
9	280.01 (2b) "Heat exchange drillhole" means an excavation or opening in the
10	ground that is deeper than it is wide, that extends more than 25 feet below the ground
11	surface, and that is made for the purpose of installing a geothermal closed-loop heat
12	exchange system.
13	SECTION 6. 280.01 (2c) of the statutes is created to read:
14	280.01 (2c) "Heat exchange drilling" means the industry and procedure
15	employed in making heat exchange drillholes.
16	Section 7. 280.01 (2m) of the statutes is renumbered 280.01 (2d) and amended
17	to read:
18	280.01 (2d) "Licensed well driller" means any individual who has paid the
19	annual license fee under s. 280.15 (2m) (c) 1. and obtained a license under s. 280.15
20	(2m) as a well driller.
21	Section 8. 280.01 (8) of the statutes is amended to read:
22	280.01 (8) "Well drilling" means the industry and procedure employed in
23	obtaining groundwater from a well by digging, boring, drilling, driving or other
24	methods but not including the driving of points for the purpose of obtaining ground

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1	water. It shall also include all construction work and installation of well casings in
2	said well involved therein for the protection of such well water against pollution.
3	Section 9. 280.13 (1) (intro.) of the statutes is amended to read:
4	280.13 (1) (intro.) The department may exercise such powers, and may
5	promulgate such rules, as are reasonably necessary to carry out and enforce the
6	provisions of this chapter. It may, among other things:
7	Section 10. 280.13 (1) (a) of the statutes is amended to read:
8	280.13 (1) (a) Employ a competent supervisor to supervise and inspect all well
9	drilling, heat exchange drilling, and pump installing operations and aid in the
10	enforcement of all laws and rules governing the well drilling, heat exchange drilling.
11	and pump installing industries. The department may also employ assistants,
12	prescribe their respective qualifications and salaries and assign their duties.
13	Section 11. 280.13 (1) (cm) of the statutes is created to read:
14	280.13 (1) (cm) Enter and inspect at reasonable hours heat exchange drillholes
15	and equipment relating to the construction of heat exchange drillholes on private or
16	public property and order necessary corrections and repairs relating to that
17	construction or may order discontinuances of any heat exchange drillhole and its use
18	if found contaminated or polluted.
19	Section 12. 280.13 (1) (e) of the statutes is amended to read:
20	280.13 (1) (e) Prepare and cause to be printed any codes, bulletins or other
21	documents that the department determines are necessary for the safety of the public

health and the betterment of the industries, and furnish copies of those documents

to licensed $\overline{\text{well}}$ drillers, licensed pump installers and to the public upon request.

Section 13. 280.13 (2) (intro.) of the statutes is amended to read:

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280.13 (2) (intro.) The department may on its own motion make investigations
and conduct hearings and may, on its own motion or upon complaint in writing, duly
signed and verified by the complainant, and upon not less than 10 days' notice to the
licensed well or registered driller or licensed or registered pump installer, suspend
or revoke as provided in subs. (3) and (4) any well driller's or pump installer's license
or registration if the department has reason to believe or finds that the holder of the
license or registration has done any of the following:
Section 14 280 13 (2) (d) of the statutes is amended to read:

280.13 (2) (d) Been found guilty in any civil or criminal proceeding of any action constituting fraud in connection with the well driller's or pump installer's well drilling or, heat exchange drilling, or pump installing operations.

Section 15. 280.13 (6) of the statutes is renumbered 280.13 (6) (a) and amended to read:

280.13 (6) (a) No individual whose <u>driller</u> license has been revoked under this section may, during the period in which the revocation is effective, engage in any well drilling or pump installing activity for which the license was issued except under the direct supervision of a licensed well driller or licensed pump installer an individual holding a license to conduct that activity and as an employee of a licensed well driller; a licensed pump installer, or a registered well drilling business, or a registered pump installing business.

Section 16. 280.13 (6) (b) of the statutes is created to read:

280.13 (6) (b) No individual whose pump installer's license has been revoked under this section may, during the period in which the revocation is effective, engage in any pump installing activity except under the direct supervision of an inldividual

1	holding a pump installer's license and as an employee of a licensed pump installer
2	or registered pump installing business.
3	Section 17. 280.15 (title) of the statutes is amended to read:
4	280.15 (title) Well-drilling Drilling and pump installing; registration;
5	licensing; qualifications; fee.
6	Section 18. 280.15 (1) (a) (intro.) of the statutes is amended to read:
7	280.15 (1) (a) Registration requirement. (intro.) No person may engage in the
8	business of well drilling or pump installing heat exchange drilling in this state unless
9	the person obtains registration under this paragraph as a well drilling business $\theta \mathbf{r}_{\mathbf{r}}$
10	and no person may engage in the business of pump installing in this state unless the
11	person obtains registration under this paragraph as a pump installing business,
12	except as follows:
13	SECTION 19. 280.15 (1) (a) 1. of the statutes is amended to read:
14	280.15 (1) (a) 1. An individual who is a licensed well driller or a licensed pump
15	installer is not required to obtain registration.
16	Section 20. 280.15 (1) (a) 2. of the statutes is amended to read:
17	280.15 (1) (a) 2. An individual who is employed by or works under contract with
18	a licensed well driller or a licensed pump installer is not required to obtain
19	registration.
20	SECTION 21. 280.15 (1) (a) 3. of the statutes is amended to read:
21	280.15 (1) (a) 3. An individual who is employed by or works under contract with
22	a person who is registered under this paragraph is not required to obtain
23	registration.
24	SECTION 22. 280.15 (1) (am) of the statutes is amended to read:

280.15 (1) (am) Prerequisite. The department may not grant registration under
par. (a) to a person to engage in the business of well drilling or heat exchange drilling
unless the person is a licensed well driller, a licensed well driller has an ownership
interest in the business, or the person employs or contracts with a licensed $\frac{\text{well}}{\text{well}}$
driller. The department may not grant registration under par. (a) to a person to
engage in the business of pump installing unless the person is a licensed pump
installer, a licensed pump installer has an ownership interest in the business, or the
person employs or contracts with a licensed pump installer.
Section 23. 280.15 (1) (b) of the statutes is amended to read:
280.15 (1) (b) Application. A person who seeks to register a well drilling
business or pump installing business shall apply to the department for registration
of each place of business or retail outlet he or she operates as a well drilling business,
or pump installing business, or both, upon forms prepared by the department for this
purpose. The application shall be accompanied by a registration fee for each place
of business or retail outlet included in the application.
Sport 24 200 15 (1) (1) (1) (1) (1) (1) (1)

Section 24. 280.15 (1) (c) of the statutes is amended to read:

280.15 **(1)** (c) *Renewal.* In order to retain registration as a well drilling business or pump installing business a person shall apply for registration renewal and pay the required registration fees annually on or before January 1.

Section 25. 280.15 (1) (d) 1. of the statutes is amended to read:

280.15 (1) (d) 1. Well drilling Drilling business, \$50.

Section 26. 280.15 (1) (d) 3. of the statutes is amended to read:

280.15 **(1)** (d) 3. Well drilling Drilling business and pump installing business,

24 \$75.

Section 27. 280.15 (2m) (title) of the statutes is amended to read:

1	280.15 (2m) (title) Well driller Driller and Pump installer licensing.
2	Section 28. 280.15 (2m) (a) of the statutes is amended to read:
3	280.15 (2m) (a) Application. An individual who seeks a well driller or pump
4	installer license shall apply to the department on a form prepared by the department.
5	The individual shall include the fee specified in par. (c) with the application.
6	Section 29. 280.15 (2m) (am) of the statutes is created to read:
7	280.15 (2m) (am) Activities authorized under driller license. In issuing a driller
8	license under this subsection, the department may specify that the license is limited
9	to the authority to engage only in well drilling or to the authority to engage only in
.0	heat exchange drilling.
11	SECTION 30. 280.15 (2m) (b) of the statutes is renumbered 280.15 (2m) (b)
2	(intro.) and amended to read:
3	280.15 (2m) (b) Renewal. (intro.) In order to retain his or her license as a well
4	driller or pump installer an individual shall comply do all of the following:
15	1. Comply with requirements for continuing education promulgated by the
16	department by rule and shall apply. The department shall require continuing
7	education specific to well drilling for individuals seeking to retain a driller license
18	that authorizes well drilling and shall require continuing education specific to heat
19	exchange drilling for individuals seeking to retain a driller license that authorizes
20	heat exchange drilling.
21	2. Apply for license renewal and pay the required license fees under par. (c)
22	annually on or before January 1.
23	SECTION 31. 280.15 (2m) (c) 1. of the statutes is amended to read:
24	280.15 (2m) (c) 1. Well driller <u>Driller</u> , \$50.
25	SECTION 32. 280.15 (2m) (f) (title) of the statutes is amended to read:

1	280.15 (2m) (f) (title) Prerequisites for well driller license.
2	SECTION 33. 280.15 (2m) (f) (intro.) (except 280.15 (2m) (f) (title)) of the statutes
3	is renumbered 280.15 (2m) (f) 1m. (intro.) and amended to read:
4	280.15 (2m) (f) 1m. (intro.) The department may not issue a well driller license
5	that authorizes well drilling unless all of the following apply:
6	Section 34. 280.15 (2m) (f) 1. and 2. of the statutes are renumbered 280.15
7	(2m) (f) 1m. a. and b.
8	Section 35. 280.15 (2m) (f) 2m. of the statutes is created to read:
9	280.15 (2m) (f) 2m. The department may not issue a driller license that
10	authorizes heat exchange drilling unless all of the following apply:
11	a. The applicant demonstrates competency in heat exchange drilling by
12	passing an examination administered by the department.
13	b. Except as provided in par. (g), the applicant has been a registered drilling
14	rig operator for at least 2 years within the 5 years before applying, has complied with
15	training and continuing education requirements under sub. (3g), and has the heat
16	exchange drilling experience required by the department by rule.
17	SECTION 36. 280.15 (2m) (g) 1. of the statutes is amended to read:
18	280.15 (2m) (g) 1. The department may issue a well driller license to an
19	applicant who does not comply with par. (f) 2. 1m. b. or 2m. b. if the applicant complies
20	with par. (f) 1. 1m. a. or 2m. a. and holds a well driller license in good standing from
21	another state and the department determines that the other state has laws and rules
22	governing well drilling and heat exchange drilling and licensing of well drillers and
23	heat exchange drillers that are substantially similar to this state's laws and rules.
24	SECTION 37. 280.15 (2m) (g) 2. of the statutes is amended to read:

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280.15 (2m) (g) 2. The department shall establish alternative requirements to
par. (f) 2. 1m. b. for applicants who have gained well drilling experience before June
1, 2008. The department shall establish alternative requirements to par. (f) 2m. b.
for applicants who have gained heat exchange drilling experience before the effective
date of this subdivision [LRB inserts date].
Section 38. 280.15 (3g) (b) of the statutes is renumbered 280.15 (3g) (b) (intro.)
and amended to read:
280.15 (3g) (b) Renewal. (intro.) In order to retain registration as a drilling
rig operator an individual shall complete <u>do all of the following:</u>
1. Complete training approved by the department and comply.
2. Comply with requirements for continuing education promulgated by the
department by rule and shall apply. The department shall require continuing individuals education specific to well drilling for persons seeking to retain a drilling rig
operator's registration that authorizes well drilling and shall require continuing
education specific to heat exchange drilling for individuals seeking to retain a
drilling rig operator's registration that authorizes heat exchange drilling.
3. Apply for registration renewal and pay a fee of \$25 annually on or before
January 1.
SECTION 39. 280.15 (3r) (a) of the statutes is amended to read:
280.15 (3r) (a) Requirement. Except as provided in par. (b) and sub. (4), an
individual who is not a licensed well driller or a registered drilling rig operator may
only engage in well drilling a well or heat exchange drillhole only if the individual
is under the supervision of a licensed well driller or a registered drilling rig operator
who is on the site of the well drilling.
Section 40. 280.15 (4) of the statutes is amended to read:

280.15 (4) Work on own real estate. No-person individual is required to obtain
a registration or license under this section for driving, digging or otherwise obtaining
groundwater supply well drilling or heat exchange drilling on real estate owned or
leased by that person individual, but the well or heat exchange drillhole and the work
done on the well or heat exchange drillhole shall comply with the law and the rules
promulgated by the department.
Section 41. 280.30 (title) of the statutes is amended to read:
280.30 (title) Well and heat exchange drillhole abandonment and;
property transfer inspections.
Section 42. 280.30 (2) (title) of the statutes is repealed and recreated to read:
280.30 (2) (title) Well abandonment.
Section 43. 280.30 (2) (a) of the statutes is amended to read:
280.30 (2) (a) The individual is a licensed well driller who is authorized by the
department to engage in well drilling or licensed pump installer.
Section 44. 280.30 (2) (b) of the statutes is amended to read:
280.30 (2) (b) The individual is under the supervision of a licensed well driller
who is authorized by the department to engage in well drilling or licensed pump
installer or the individual is under the supervision of a water system operator
certified under s. 281.17 (3) and the well is within the service area of the local
governmental water system for which the certified operator works. The licensed or
certified individual is not required to be present during the filling or sealing.
SECTION 45. 280.30 (2m) of the statutes is created to read:
280.30 (2m) Heat exchange drillhole abandonment. An individual may not
fill or seal a heat exchange drillhole unless the individual is a licensed driller who
is authorized by the department to engage in heat exchange drilling.

1	Section 46. 280.30 (3) (a) of the statutes is amended to read:
2	280.30 (3) (a) An individual may not for compensation, in contemplation of a
3	transfer of real property, conduct an inspection of the real property for the purpose
4	of locating or evaluating water supply wells or pressure systems on the real property
5	unless the individual is a licensed well driller who is authorized by the department
6	to engage in well drilling or a licensed pump installer.
7	SECTION 47. 280.98 (2) of the statutes is amended to read:
8	280.98 (2) The department shall promulgate rules that specify violations of
9	rules under this chapter relating to licensing; registration; disinfection, sampling,
10	and reporting requirements; water systems that were installed before February 1,
11	1991; and well or drill hole drillhole abandonment to which sub. (1) applies.
12	Section 48. 443.14 (12m) of the statutes is amended to read:
13	443.14 (12m) A-well driller who is licensed under s. 280.15 (2m), or an employee
14	of a well drilling business that is registered under s. 280.15 (1), who is engaged in well
15	drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01
16	<u>(2c)</u> .
17	Section 49. 470.025 (9) of the statutes is amended to read:
18	470.025 (9) A well driller who is licensed under s. 280.15 (2m), or an employee
19	of a-well drilling business that is registered under s. 280.15 (1), who is engaged in well
20	drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01
21	<u>(2c)</u> .
22	SECTION 50. Effective date.
23	(1) This act takes effect on the first day of the 36th month beginning after
24	publication.

(END)

Barman, Mike

From:

Barman, Mike

Sent:

Thursday, March 08, 2012 10:54 AM

To:

Johnson, Dan

Subject:

RE: FE for Senate Bill 156

Attachments:

FE's - Supplemental FE E-Mail.doc



plemental FE E-Ma

Good morning Dan,

Since the FE on SB 156 has already been "released" per Joint Rule 41 (3) (b) you will need to contact the presiding officer's office and have them submit a request to the LRB (via email) to have a "Supplemental" FE prepared by DNR on SSA1-SB156 ... see attachment above. As a formality the request has to come from their office before we can proceed.

Please feel free to contact me if you have any questions.

Thanks,

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau Legal Section - Front Office 1 East Main Street, Suite 200, Madison, WI 53703 (608) 266-3561 / mike.barman@legis.wisconsin.gov

From:

Johnson, Dan

Sent:

Thursday, March 08, 2012 10:33 AM

To:

Barman, Mike

Subject:

FE for Senate Bill 156

Senator Kedzie would like to request a supplemental fiscal estimate for SSA 1 to Senate Bill 156, similar to the supplemental fiscal estimate issued for ASA 1 to Assembly Bill 201, which is the companion bill.

Thank you.

Dan Johnson Chief of Staff

State Senator Neal Kedzie

11th Senate District

608.266.2635

Barman, Mike

From:

Nelson, Lynn

Sent:

Thursday, March 08, 2012 1:09 PM

To:

Miller, Steve; Barman, Mike

Subject:

Senate President Mike Ellis - Request for Suppletal Fiscal Estimate to SSA 1 to SB 156

Attachments:

SSA1TOSB156SUPPLEMENTALFISCALESTIMATERQST.12.doc



Attached is a request for a supplemental fiscal estimate to SSA 1 to SB 156.

If you have any questions, please feel free to call.

Lynn 266-0718 Office Senator Michael G. Ellis TO: Stephen R. Miller, Chief Legislative Reference Bureau

FROM: Senator Michael G. Ellis

President

Wisconsin State Senate

DATE: March 8, 2012

RE: Supplemental Fiscal Estimate to SSA 1 to Senate Bill 156

Pursuant to Senate Joint Rule 41 (3) (b), I am writing to direct the Legislative Reference Bureau to prepare a supplement fiscal estimate to SSA 1 to Senate Bill 156 relating to regulation of geothermal well drillers and granting rule-making authority.

MGE/lmn

cc Mike Barman Legislative Reference Bureau



ACTIVE

LRB Number:

11s0395/1

Introduction Number:

SSA1-SB156

Comment:

"Supplemental" FE requested... per Joint Rule 41

(3) (b) ... "Rush" Please

Request Date:

3/8/2012 1:18:57 PM

Description:

Subject:

PUBLIC DRAFT/BILL and Assignments

Edit the Request

Draft/Bill: Not attached

Wisconsin Department of Administration

101 East Wilson Street

Madison, WI 53702